

Remarks

Claims 1-22, 26-35, 39-174, and 177-201 are pending in the application. Claims 1-20, 22, 27, 28, 31-35, 70-88, 90-93, 98-104, 112-117, 145, 165-174, 177, 178, and 185-193 stand rejected. Claims 39-48, 64-69, 94-97, 179-184, and 201 are objected to.

Claims 1-22, 27-35, 49-63, 70-93, 98-174, and 185-200 are canceled by the present Amendment. Claims 39, 44, 64-66, 69, 94, 179, and 182 are currently amended so that they are in independent form. Claims 40-43 and 45-48 are amended so that they depend from one of independent claims 39, 44, 64-66, 69, 94, 179, and 182.

No new matter has been added by the present Amendment. Applicant specifically reserves the right to pursue the subject matter of the canceled or amended claims in a related application. The present Amendment is introduced for the *sole* purpose of furthering prosecution. Applicant respectfully requests reexamination and reconsideration of the case in light of the present Amendment and the following Remarks. Each of the rejections levied in the Office Action is addressed individually below.

Restriction/Species Election and Interview

Applicant thanks the Examiner for a telephone interview that took place on November 20, 2009, in which the Restriction and Election of species were discussed.

As discussed during the Interview, in response to a Restriction Requirement, Applicant elected claims 1-88, 90-104, 112-117, 131, 165-193 for further prosecution. In response to the further Restriction Requirement with respect to claims 39-68, 94-97, 179-180, and 182-184, and with respect to linking claims 1, 86 and 145, Applicant elected SEQ ID NO: 43 as to claims 39-48; SEQ ID NOs: 93 and 94, and 188 and 189 as to claims 64 and 65; respectively; SEQ ID NOs: 93 and 188 as to claims 69, 97, and 182. Upon making these elections, it was Applicant's understanding that, upon allowability of the elected SEQ ID NOs, the Examiner would extend his search and examination to additional, non-elected species.

The Examiner, thus, performed a search and examination of the claims as they relate to the particular elected SEQ ID NOs. The Examiner has now indicated on page 13 of the Office Action that claims 39-48, 64-69, 94-97, 179-184, and 201 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and the removal of non-elected subject matter.

Since it was Applicant's understanding that additional SEQ ID NOs would be examined once the initially-elected SEQ ID NOs were found to be allowable, Applicant telephoned the Examiner to clarify how to amend claims 39-48, 64-69, 94-97, 179-184, and 201 so that (1) they would be allowable with respect to the initially-elected SEQ ID NOs, and (2) the Examiner would extend his search to additional, non-elected species. During the Interview, the Examiner indicated that the original requirement to elect particular SEQ ID NOs should be considered an *Election of Species* instead of a Restriction Requirement. The Examiner further indicated that Applicant should (1) re-write claims 39-48, 64-69, 94-97, 179-184, and 201 as independent claims (and/or dependent claims, where appropriate) and (2) leave in all of the recited SEQ ID NOs. The Examiner stated that he would then extend his search and examination to additional SEQ ID NOs. He indicated that he would examine additional SEQ ID NOs one at a time, and that once he finds a SEQ ID NO allowable, he would move on to the next SEQ ID NO. He indicated that he would carry out examination in this fashion for the entire set of claimed SEQ ID NOs. If, however, he reaches a non-allowable SEQ ID NO, he will (1) cease examination of the remaining claimed SEQ ID NOs and (2) inform Applicant of any SEQ ID NOs that he had found to be allowable.

Allowable Subject Matter

As described above, the Examiner indicated on page 13 of the Office Action that claims 39-48, 64-69, 94-97, 179-184, and 201 would be allowable if rewritten in independent form. Applicant has, therefore, rewritten claims 39, 44, 64-66, 69, 94, 179, and 182 in independent form, and has amended claims 40-43 and 45-48 so that they depend from one of these rewritten independent claims. Applicant notes that claim 201 was already written in independent form, and thus submits that it was already allowable as written. Claims 67, 68, 95-97, and 180, 181, 183, and 184 were already dependent from one of rewritten independent claims 39, 44, 64-66, 69, 94, 179, and 182, so claims 67, 68, 95-97, and 180, 181, 183, and 184 were not amended. Applicant respectfully submits that all of claims 39-48, 64-69, 94-97, 179-184, and 201 are in condition for allowance.

Objection to the Specification

The Examiner has objected to the specification on the grounds that page 84 is blank. The Applicant previously submitted, and the Examiner now acknowledges, that page 84 was present at the time of the filing. In the present Office Action, however, the Examiner points out that the application file now appears to lack page 84. Applicant, therefore, submits along with this Response a Replacement Page 84. Applicant respectfully submits that this Replacement Page contains no new matter. Applicant respectfully requests that the objection be removed.

Rejection under 35 U.S.C. § 103(a) as allegedly being obvious

Claims 1-20, 22, 27, 28, 31-35, 70-88, 90-93, 98-104, 112-117, 145, 165-174, 177, 178, and 185-193 stand rejected under 35 U.S.C. § 103(a) on the grounds that they are unpatentable over Tuschl *et al.* (U.S. Patent Publication Number 2004/0259247) and Beach *et al.* (U.S. Patent Publication Number 2002/0162126) in view of Abe *et al.* (2001, *Eur. J. Pharm. Sci.*, 13:61-69), Gitlin *et al.* (2002, *Nature*, 418:430-34), Gitlin *et al.* (2002, *Nature*, 418:430-34), Brummelkamp *et al.* (2002, *Science*, 296:550-53), and Paddison *et al.* (2002, *Genes Dev.*, 16:948-58). Without agreeing with the Examiner, and *solely* in order to further prosecution, Applicant has canceled claims 1-20, 22, 27, 28, 31-35, 70-88, 90-93, 98-104, 112-117, 145, 165-174, 177, 178, and 185-193. Applicant, therefore, respectfully submits that the rejection is rendered moot by the present Amendment.

Conclusion

For all of the reasons set forth above, each of the rejections in this case should be removed and the application should proceed to allowance. A Notice to that effect is respectfully requested.

If, at any time, it appears that a phone discussion would be helpful, the undersigned would greatly appreciate the opportunity to discuss such issues at the Examiner's convenience. The undersigned can be contacted at (617) 248-4903.

Respectfully submitted,

/Katherine Nicole Clouse/

Katherine Nicole Clouse, PhD
Registration Number: 62,750

Choate, Hall & Stewart LLP
Two International Place
Boston, MA 02110
t (617) 248-4903
f (617) 502-5002
nclouse@choate.com
Date: November 20, 2009